

BOARD OF MAYOR AND ALDERMEN

June 1, 2004

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez,
Shea, DeVries, Garrity, Smith, Thibault and Forest

Absent: Alderman Guinta

Mayor Baines stated before I begin the meeting I have a few announcements. First of all we received very good news today. The entire closing of Bridge and Elm took place today in Boston so that project is now underway. They will start work on the site tomorrow. This is a project that a lot of us have worked on for a few years now and it is going to become a reality. That is good news for downtown and a real tribute to the Board of Mayor and Aldermen for staying on course with that project and all of the City staff and others who worked diligently to make that a reality for downtown. A vacant piece of property I think for about 15 years is now going to come to life. Secondly, tonight on Channel 11 at 10 PM I filmed a program with Doug Hall for NH Outlook dealing with the school funding issue. I would urge people if this meeting is still going on at 10 PM to switch to Channel 11 and perhaps tune that in. It is going to be on again at 6:30 AM tomorrow. Also I would like to introduce the young man back here, Patrick Queenan. Patrick is a Junior at Temple University. He is a political science major and interning in my office and let's give him a warm welcome to City Hall. I want you to know that during Patrick's first few days we were dealing with the school funding issue and Patrick sat through all of the deliberations of the House and Senate with no lunch or anything and he said that he learned more about politics in those two days than he had in two years at Temple University. It has been a great experience for him. Also, we received very good news. The credit rating for the Airport was raised and we are very proud of the management of the Airport under Kevin Dillon and the extraordinary job he has done managing the finances of the City and also the policies and direction established by the Board of Mayor and Aldermen along with staff here at City Hall. Kevin, congratulations again on an excellent job.

Recognition of the Youth Leadership Group for the new Teen Arts Center.

Mayor Baines stated we have the Youth Leadership Group for the new Teen Arts Center here. They are organizing an auction to take place at 6 PM on Tuesday, June 8 at the Rines Center, 1528 Elm Street across from the legendary Pappy's Pizza. This auction is designed to raise funds for the new Teen Art Center. Why don't you people come up here so the

people at home can get a good view of you. This auction is designed to raise funds for the new center and the Youth Leadership Group has secured the support of For Manchester and Plus Time New Hampshire, along with a broad coalition of community members interested in supporting Manchester youth. Would anybody else from the organization like to say a few words?

Mr. Brian Wheeler stated I am a senior at Central High School. I have been working with the Hot Couch Teen Art Center for the last four years. I believe that this is a nice positive thing for the community and I hope to see everyone at the fundraiser we are holding at the Carol Rines Center on June 8 at 6 PM.

Ms. Crystal Dalow stated I am from Manchester and have been going to Hot Couch for the past year. I really hope that it stays open. It has been a great thing to go to after school to do art work and stuff.

Ms. Danielle Rocheleau stated I am a senior at Londonderry High School. For almost two years I have been going to Hot Couch. It has been a really good influence on me and I hope that everyone will come to the auction and that the Mayor and all of the Aldermen will come because we really want to see you guys there and hopefully you will support us.

Ms. Christine Hayward stated I am a Junior at Central High School. I have been going to Hot Couch for the past two years and it has had a really positive effect on my life. I have gotten a lot of support from a lot of different people that I wouldn't have expected from the Hot Couch. The auction on June 8 will hopefully help us continue what has been going on for the past couple of years and allow us to start over and start fresh.

Ms. Mary Heslin stated I am from Plus Time New Hampshire and I want to tell you that these are just some of the youth that are working on this project and they have been working really, really hard. It is a worthwhile project. Please come out and support them on Tuesday night.

Ms. Susan McCellan and interested parent and a nurse practitioner in the City as well. The enthusiasm and the talent of these teens has been remarkable and a joy to support and I hope to see you all there next Tuesday.

Mayor Baines stated unfortunately next Tuesday we will be here at the Chambers finalizing our budget.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Approve under supervision of the Department of Highways subject to the availability of funding

- A. Sidewalk Petitions – 50/50 Program FY2005
(Note: available for viewing at the Office of the City Clerk and forwarded under separate cover to Mayor and Aldermen.)

Informational – to be Received and Filed

- B. Communication from the Public Works Director providing an update on the Waste Management, Inc. weekly spring yard waste cleanup which concluded on May 14, 2004.
- C. Communication from MTA submitted minutes of their April 27, 2004 meeting and reports for the month of April 2004.
- D. Communication from Public Service of New Hampshire advising of “Tioga Power Project” which will provide for upgrades and a new major sub-station to be built on PSNH property in east Bedford.
- E. Communication from the State Department of Environmental Services advising of the issuance of a State permit to operate PO-B-2000 one (1) boiler at 21 West Auburn Street.
- F. Communication from the State Department of Transportation advising of contemplated awards.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE

- G. Resolution:

“Amending the FY2003 and 2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Nine Thousand Two Hundred One Dollars and Sixty Three Cents (\$9,201.63) for the 2003 CIP 710803 Chronic Drain Program.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

- H. Recommending that Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

ought to pass.

I. Recommending that Ordinance:

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

ought to pass, subject to budgetary review by the Committee on Finance.

COMMITTEE ON COMMUNITY IMPROVEMENT

J. Recommending that balances of various 2003 CIP projects be transferred to the Chronic and Drain program, and for such purpose a resolution and budget authorization has been submitted totaling \$9,201.63 in cash projects.

COMMITTEE ON LANDS AND BUILDINGS

K. Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at South Mammoth Road, known as Map 0796, Lot 0014 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by Joseph King, June Babib and Leza Child was acquired by the City of Manchester by virtue of Tax Collector’s deed dated November 21, 1994 and recorded in Hillsborough County Registry of Deeds on November 23, 1994, Volume 5593, Page 1645.

The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$225,000.

The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$164,400-\$246,600.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary.

M. Recommending that the City convey to the state portions of City owned land at the West High School Athletic field identified as Parcel 44A and 45. The Committee notes that the intention of such conveyance is that such parcels will become part of the new Allard Drive right of way, to ultimately become a City Street. The Committee notes that as part of the project, the state will convey to the City, at a later date, other abutting land that will be reconstructed to replace the parking area displaced by the road construction.

The Committee further recommends that the Mayor be authorized, subject to the review and approval of the City Solicitor, to execute any and all related documents inclusive of a deed to the State of New Hampshire, and an easement for construction activities in the existing parking area to accommodate the replacement of disturbed parking area.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN DEVRIES, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Report of the Committee on Lands and Buildings:

(Note: Ordinance referral to Committee on Bills on Second Reading)

- L.** Recommending that the Board of Mayor and Aldermen find property located at 44 Trolley Court surplus to City needs and further that:

In accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated on Trolley Court known as Map 897, Lots 145 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by Cardinal Builders, Inc., was acquired by the City of Manchester by virtue of Tax Collector's deed dated June 21, 1993 and recorded in Hillsborough County Registry of Deeds on June 22, 1993, in Volume 5445, Page 0442.

The Committee advises that it finds just cause to dispose of such land through sale to an abutter because it is relatively small and wetland/steep slope in nature and serves no practical public purpose.

The Committee recommends that said property be offered for sale to the abutters, Dennis and Albertine Morrisette of 34 Trolley Court, at a price of \$10,700 with the stipulation that the lot cannot be built upon. Such price of \$10,700 has been deemed a reasonable value by the Board of Assessors.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deed accounts as deemed necessary. To accommodate such disposition, an ordinance has been submitted for referral to the Committee on Bills on Second Reading.

Deputy Clerk Johnson stated the Clerk requested that this item be removed. The person who petitioned for the property has pulled that petition and indicated that they no longer have an interest so we would ask for a motion to receive and file.

Alderman DeVries moved to receive and file the report of the Committee on Lands and Buildings. Alderman Smith duly seconded the motion.

Alderman Roy stated this came out of our recent Lands and Buildings Committee meeting. Would it be appropriate to send it back there and determine it as surplus City property?

Deputy Clerk Johnson responded it could be done either way. Lands and Buildings can still act on this property if it is received and filed.

Alderman DeVries stated I just want to add that this particular parcel is a non-buildable lot. I do not believe that it has any use for other than this immediate abutter if that makes you feel any more comfortable. You can handle it either way but I think you will find when it goes back to Lands and Buildings that it will just stay there.

Alderman Thibault stated knowing some of the particulars about this property, there are a lot more to come to the Committee. I found out just last week that even the City Clerk did not notify some of the people that should have been there and I believe that they should be there to explain. I understand what Alderman DeVries is saying but this gentleman would like to be there.

Mayor Baines replied that is a different item. That is not the item we are talking about right now.

Mayor Baines called for a vote on the motion to receive and file. There being none opposed, the motion carried.

Mayor Baines stated I would like a motion to remove Item 26 from the table for discussion. It is a report from the Committee on Administration/Information Systems and the Clerk will advise the Chair.

Report of the Committee on Administration/Information Systems
recommending that Ordinance:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

be referred to the Committee on Bills on Second Reading for technical review and further that Ordinance:

“Amending the Zoning Ordinances of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 600 feet from each other and not less than 500 feet from a Residential or Civic Zone.”

be referred to the Committee on Bills on Second Reading and to Public Hearing on Monday, June 7, 2004 at 6:00 PM in the Aldermanic Chambers of City Hall.

Deputy Clerk Johnson responded this is a report of the Committee on Administration/Information Systems submitting two ordinances. Originally the Committee was suggesting that it be referred to a public hearing and to the Committee on Bills on Second Reading. We have tonight distributed an alternate for the second ordinance. I guess if the Board so desires a motion would be in order to amend the report.

On motion of Alderman O'Neil, duly seconded by Alderman Osborne it was voted to remove this item from the table.

Deputy Clerk Johnson stated the motion would be to amend the report by substituting the second ordinance with the one that was distributed this evening and from that point we would refer it to a public hearing and to the Committee on Bills on Second Reading. We need to change the date as well. June 21 is the suggested date.

Alderman Lopez moved to amend the report by substituting the second ordinance with the one distributed this evening and to refer the ordinances to a public hearing to be held on June 21 and to the Committee on Bills on Second Reading. Alderman DeVries duly seconded the motion.

Alderman O'Neil asked where did the ordinance that is in front of us this evening as a handout come from. The Committee?

Mayor Baines answered yes.

Deputy Clerk Johnson stated my understanding is the Planning Director has submitted that at the request of some people and perhaps he could address it.

Alderman Lopez stated as you notice the correspondence is from Alderman Guinta and myself. We were present at a meeting where we discussed adding B-2 to the Central Business District, which was unanimously supported by the people as indicated in the correspondence. The ordinance in front of you indicates adding the B-2 to the Central Business District, which was not the original ordinance from the Committee. The Committee just had the Central Business District. Bob MacKenzie and the City Clerk and others made this new amendment. So it will go for B-2 in the Central Business District for the public hearing.

Alderman O'Neil stated the Committee did not vote on including this in the B-2 district.

Alderman Lopez replied that is correct.

Alderman Gatsas asked can somebody tell me at this meeting that was held if there was anybody from the Committee in attendance.

Alderman Lopez answered yes I was.

Alderman Gatsas asked was the Chairman of that Committee ever notified.

Alderman Forest stated there was a meeting that I was notified of that I couldn't attend. Alderman Guinta was there also I believe. He is not here tonight but it was a meeting that I could not attend.

Alderman Gatsas asked was the invitation extended to anybody else on that Committee.

Mayor Baines stated well you can't have a quorum at that meeting.

Alderman Lopez stated I think that when we tabled this at the last meeting at the request of Alderman Guinta there was an indication that there would be a meeting. The Chairman was notified. He couldn't make it. I was asked to go to the meeting by Alderman Guinta and I attended the meeting. I think the most important thing we have to remember here in putting the B-2 in there is to let it go to public hearing and as we go through the process we can always lower it but we can't raise it because we would have to have two public hearings then and that is the whole intent.

Alderman Gatsas stated this is more a statement than a follow-up because you know it is all about process and if process has one Alderman going in to participate in a meeting when other Aldermen have sat on this Board for two years watching this thing and all of the sudden we have something come before us I don't think that is the process. I don't think that is what we were elected to do. I think the process that we have before this Board is a Committee process. I understand, your Honor, that it is a quorum and you know what? So be it. The public should have been invited to it and the quorum should have been there and that Committee should have been there to listen to the remarks that were made by the Chamber or whoever else wanted to make them. I think it is a bad process that we go forward in this manner.

Alderman Forest stated with all due respect to my colleague from Ward 2, Alderman Guinta had asked at the last Board meeting that this be tabled so that he could work on it and he invited members of this Committee to attend that meeting. You were not here that night, Alderman. Alderman Guinta invited people to attend that meeting. I was aware of it and I could not attend but several Aldermen did.

Mayor Baines stated and also if you go back and I don't have the minutes but there was a motion for that process to take place.

Alderman Shea stated I agree with Alderman Gatsas. I don't always agree with him but I agree with him in this case because I really believe that before we make changes to ordinances, your Honor, I really think it should go back to a Committee so that everyone can vote on that that is on that Committee. I feel that if we are doing something that obviously is in the best interest of everyone then there shouldn't be any precipitous action this evening. I really don't think that...you could refer this back to the Committee that should make a judgement on it. As far as I am concerned, I don't think we should vote on this tonight. That is the way I feel.

Alderman Lopez stated I will remind and I will allow the City Solicitor to remind the Board that the time element here is important. If people remember what Deputy Solicitor Arnold indicated to us, we must take some action before I think June 4 and I am not positive of the exact date but the City Solicitor if you want to weigh in on this I would appreciate it.

Solicitor Clark stated I believe Mr. Arnold from my office advised you that based upon the Federal court ruling the court ruled that the City is not able to regulate tattoo parlors as they had done in the past. In order to do so you would have to do it through a zoning amendment. In order to allow an amendment to be effective so that you don't have a rash of stores opening up now uncontrolled you need to publish the notice of a public hearing in the paper. Once the public hearing has been posted then any new establishment opening up would have to comply with the posted regulations until such time as this Board adopts the ordinance.

Alderman Lopez stated that was the main reason – not to bypass any Committee. There was a time element that was involved. That is the most important thing.

Alderman Osborne stated I am on that Committee and I have watched this for the last couple of years myself. The last Committee meeting we had I brought up the B-2 saying that if we leave out the B-2 zone and leave it to the downtown district only I think we are making a big mistake. It is not that, it is free enterprise. I think they have a right to be in the business zone. I guess is it legal to go 500 feet here and 600 feet there I guess that is all legal but bringing in the B-2 zone I think is a good idea. It would have been nice to bring it back to the Committee. I think that was a good idea too but there is no time and it is too bad it worked out this way.

Alderman Gatsas stated just to correct my colleague from Ward 12 I was in attendance that evening. It was at a full Board meeting when we put it on the table. So, for you to make the statement that I wasn't here that was incorrect and for anybody to say that the process should go the way it should have gone and not have the Committee...at least I wasn't advised of the meeting and I don't know if anybody else on that Committee was advised of it but certainly whether we had a quorum or not we should have met in public and done the City's business.

Mayor Baines called for a vote on the motion to amend the report. The motion carried with Aldermen Gatsas, Garrity and Shea duly recorded in opposition.

Alderman Lopez moved to accept the report as amended. Alderman Forest duly seconded the motion. The motion carried with Aldermen Gatsas, Shea and Garrity being duly recorded in opposition.

Nominations presented by Mayor.

Board of Adjustment

Ray Clement to succeed himself, term to expire March 1, 2007

Art Commission

Alfred St. Cyr to succeed himself, term to expire May 2007.

On motion of Alderman Forest, duly seconded by Alderman Sysyn it was voted to suspend the rules and confirm the nominations of Ray Clement and Alfred St. Cyr as presented.

[Note: Upon Clerk's review it was discovered that Alfred St. Cyr's term does not expire until December 2004; therefore consistent with law, Mr. St. Cyr will remain in the current position until the December 2004 expiration, at which time the position will be open for nomination.]

Confirmation of the nomination of Karen Roberge to succeed Robert S. Stephen as a member of the Planning Board, term to expire May 1, 2006.

On motion of Alderman Thibault, duly seconded by Alderman Sysyn it was voted to confirm the nomination of Karen Roberge to the Planning Board, term to expire May 1, 2006.

On motion of Alderman Smith, duly seconded by Alderman Osborne it was voted to recess the meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that a Resolution:

“Amending the FY2003 and 2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Nine Thousand Two Hundred One Dollars and Sixty Three Cents (\$9,201.63) for the 2003 CIP 710803 Chronic Drain Program.”

ought to pass and be enrolled.

On motion of Alderman Garrity, duly seconded by Alderman O'Neil it was voted to accept the report of the Committee on Finance.

Report of Committee on Lands and Buildings recommending that the Board of Mayor and Aldermen find property located at 132 Titus Avenue, so-called the former Highland School and known as Tax Map 554, Lot 16A & 17A surplus to City needs. Said property was acquired by the City by virtue of deed(s)s, or portions thereof noted as follows:

Addison G. Gray deeded October 31, 1901 and recorded in Hillsborough County Registry of Deeds, Vol. 604, Page 393, November 13, 1901.

With release of right of dower Augusta J. Gray.

Bradley B. Aldrich deeded March 24, 1902 and recorded in Hillsborough County Registry of Deeds, Vol. 609, Page 209, March 25, 1902

With release of right of dower Maria C. Aldrich.

Henry B. Stearns deeded December 9, 1929 and recorded in Hillsborough County Registry of Deeds Vol. 894, Page 160, December 13, 1929.

Albert W. Lacroix deeded December 9, 1929 and recorded in Hillsborough County Registry of Deeds Vol. 893, Page 518, December 13, 1929.

With release of right of dower Annie M. Lacroix.

Julia Bober deeded November 18, 1946 and recorded in Hillsborough County Registry of Deeds Vol. 1122, Page 248, December 5, 1946.

Pauline Pierce Greer, Mary F. Greer, and Benjamin F. Greer deeded December 19, 1959 and recorded in Hillsborough County Registry of Deeds Vol. 1594, Page 273, January 11, 1960.

The Committee recommends that said property be disposed of through sale to Moore Center Services, Inc., subject to review and approval of the City Solicitor.

The Committee notes that it finds just cause to dispose of the property in such manner in that the subject property is presently leased to Moore Center Services, Inc. under a long-term lease which initiated in 1970 and will expire in January 2022, and under such arrangement is serving a public need.

The Board of Assessors has set an opinion of value in the range of \$1,100,000-\$1,200,000.

Deputy Clerk Johnson stated the amount is actually \$1.1 million to \$1.2 million.

Mayor Baines asked are we establishing a price tonight.

Deputy Clerk Johnson stated we need to establish a price and in order to do so the Committee referred it out to the full Board for discussion.

Mayor Baines asked do any members of the Lands and Buildings Committee want to address this.

Deputy Clerk Johnson stated the Moore Center asked for it for \$1.

Mr. Paul Boynton stated I am the CEO of the Moore Center. We are in a long-term lease with the City for the 132 Titus Avenue facility and we are beginning to investigate a feasibility study for capital improvements so we can go through some significant renovations in the building. Our hope was that given that we were in this long-term lease arrangement, which would carry us through I think 2022 that the City would consider essentially giving us the property, which would make it easier for us to conduct a capital fund drive in the community to do renovations.

Alderman Thibault stated I would certainly like this to go to Lands and Buildings.

Mayor Baines responded it has already come out of Lands and Buildings with a report that the Board determine a price. Why don't we let Alderman Garrity speak?

Alderman Garrity asked the Moore Center currently leases that building for how much per year. Is it \$1?

Mr. Boynton answered I think it is \$1 for the full term of the lease.

Alderman Garrity asked so you are leasing it for \$1 per year up until 2022. Is the recommendation of the Lands and Buildings Committee that \$1.1 to \$1.2 million?

Mayor Baines stated the Board of Assessors set a value and it is up to the Board to decide what it wishes to sell it to them for.

Alderman Garrity stated the Moore Center is in Ward 9 and they are good neighbors. We never have problems over there. They provide a good service to the community. The fact that we are leasing it to them for \$1 a year until 2022 and they want to do a capital campaign I would move that we sell it to them for \$1.

Alderman Roy duly seconded the motion.

Alderman Gatsas stated I certainly don't have a problem with the Moore Center but I think that looking at a capital campaign and leaving the lease in at \$1 doesn't give you the control to go out and do a capital campaign and do your improvements and to look at that lease at the end of 2022 for whatever Board is sitting here. I have a problem that we are looking at a situation today that again it is \$1 lease and you are in lieu of taxes I believe. What are you paying in lieu of taxes?

Mr. Boynton responded we are not paying anything in lieu of taxes.

Mayor Baines asked can I just clarify something. Alderman Garrity's motion was to sell it to them for \$1. Is that what you understood?

Alderman Gatsas responded that is what I understood. I am just trying to...

Mayor Baines interjected that is fine. I just wanted to make sure that you understood.

Alderman Gatsas asked so the capital campaign is going to continue and no taxes are going to be paid and I guess at some point...how long a lease was it.

Mr. Boynton answered it began in 1973 I believe and it goes through 2022. There are about 18 more years on the lease.

Solicitor Thomas Clark stated I would recommend that in the event you do sell the property to the Moore Center for substantially less than fair market value that there be a reverter negotiated by our office and placed in the deed in the event that they do dispose of the property so that it comes back to the City.

Mayor Baines stated so it is suggested that part of any sale agreement there be a reverter clause since we are selling it or if we did decide to sell it at that price it would have to come back to the City if they decided that they were going to dispose of that property.

Alderman Garrity stated that would be part of my motion. Alderman Roy stated I will make that part of my second also.

Alderman Thibault stated I would certainly not want to be the one that would go against anyone who is doing great things for the City. The point is that I think the City some day will have to look at the impact that has on the City's tax rate. We give so much away every year that impacts our tax rate. This is something we should look into. I have no problem with this going forward. I just want this Board or any Board to come in the future to understand that there is a point of no return as to what you can give. I believe that if, in fact, this motion is made so that it will in fact revert back to the City if they ever sell this I think that is a good point and I will go along with that but I want this Board or any Board that comes in here in the future to start to realize how much the City is giving. There is a point of no return. I know that you guys provide a great service to this community.

Alderman O'Neil stated I guess my only concern is have we established a precedent with this type of situation. I know that other former school buildings we have sold for full market value. We did Pearl Street and the Maynard School. What are we...we have a history of selling these I believe and I don't know but that is why I might like to suggest that we table this tonight I don't know what kind of precedent we are setting by selling this and this doesn't reflect on the Moore Center at all but selling this for \$1 what does that set us up for in future sales of property. There are many pieces of property that we have sold at full market value that the Housing Authority has been a partner with. They are a non-profit. That would be my only concern. I would like to if we could get a little history of what we have done.

Mayor Baines stated the only thing I would make a comment on and I am going to go back to Alderman Garrity because he started this but they have this for \$1/year until 2022.

Alderman O'Neil responded I understand that.

Mayor Baines stated my follow-up is if we sell it to them that building still would come back to the City under reverter rights if they decide to dispose of the property so in essence the way I understand unless I am hearing it wrong is that it is really almost the same arrangement other than they become the owners of the property. Otherwise we are just going to get \$1/year for the next 18 years.

Solicitor Clark responded right now they have the right to retain their lease until 2022. As a partial answer to Alderman O'Neil's question, the City has in the past on occasion sold a property to a charitable organization serving a public need for less than fair market value – the Visiting Nurse Association across from the old Sully's Market is one such example. There may have been a couple of others. I don't believe that the sale in and of itself for fair market value sets a precedent and prohibits you from doing other things in the future. It doesn't mean you have to do it. I don't think it sets a precedent.

Alderman O'Neil stated no matter what happens tonight can we somehow get somebody from City staff to do some research and show what the history is of how we have handled former school buildings. It may not necessarily be school buildings. It may be other buildings. I just think there has been some inconsistency and I would just like to know that.

Alderman Garrity stated I just want to make that point. For 18 years we are getting \$1/year and I wanted to ask Paul if he could better explain the need for them to own the building. If you decide to sell the building after the capital campaign you can't do that because it will come back to the City as part of the motion. Could you better explain to the Board why you need to own the buildings versus lease the building for your capital campaign?

Mr. Boynton responded we feel that it will be an easier sell to the community from a fundraising standpoint to say that we are renovating a building that we own. It is as simple as that. We believe the capital campaign will more likely be successful if we go raise money to renovate a building that we own as opposed to asking the community to support us to renovate a building that we own as opposed to asking the community to support us to renovate a building that we lease. The end result probably if we do this major renovation now 22 years from now it will probably be time to do another major renovation in the scheme of things.

Alderman Porter stated I believe it was in 1984 there were a number of properties sold through a sealed bid or whatever – Maynard School, Youngsville School, Amoskeag School and the Lake Avenue Fire Station up by the Four Seasons Market on Lake Avenue just to mention four. There were reverter rights to Amoskeag Industries and I believe the reverter rights there was a clause in there and Tom perhaps you can remember better than I but I believe it was 20% of the purchase price went to Amoskeag Industries. I think to allay any fears I would vote for selling it for \$1 to the Moore Center. They have kept it up all of these years and this is, I think, very important for their capital campaign to be the owner rather than the tenant. However, at whatever point in time they do decide to sell the property then I think we could probably look at a revert right in financial terms rather than necessarily getting the building back. I don't know that that would be fair if they put all of the money into it and then they sell it that the property would then necessarily go to the City because Amoskeag Industries did have a reverter clause in their grants to the City that if they were no longer used for the purpose they were granted to the City it would revert to them, however, for a certain financial amount of money they would be able to satisfy that reversion. I would just like to make that as a consideration. I do believe that perhaps this...did you make a motion to table?

Mayor Baines stated there has been no motion to table. We are just continuing discussion right now.

Alderman Porter stated there are a number of ways I think to accomplish the goals of the City and the goals of the Moore Center and I think we will arrive at a good deal.

Alderman Roy stated while I can value the predicament we are in with our budget and the taxes and the taxpayers I would ask the Board to be mindful of two basic things. One, the indication of value of \$1 million to \$1.2 million is not taking into consideration the encumbrances of the lease. This has no value to us as a City. From everything I have seen in the history of the building it would never become a school building again and it never would become anything that we would need to bring back into the City's portfolio of properties so I would definitely like it to continue being in the Moore Center's hands and I do believe it would help their capital campaign. The second part is the fact that the Moore Center fills in a gap that if we, as a City, had to fund or take out of the City coffers would be a far greater impact than anything we could lose by selling this building at less than market value. The 1,100 children and adults, some born with reasons to attend the Moore Center and some that get them over the years...it could be any of us that some day will need the Moore Center and if we as a City fill that gap as we do with many of our non-profits when we don't support them, we would be looking at a far greater impact to the taxpayer than what we will potentially do tonight. I strongly support the Moore Center taking over this building and their capital campaign for \$1.

Mayor Baines stated I just have to say as a neighbor of the Moore Center what tremendous neighbors they are in all the years that they have been there.

Alderman Shea asked what does your capital campaign hope to raise.

Mr. Boynton answered there are several phases. The total of all phases of the renovations that would be required would be around \$6 million.

Alderman Shea stated the only concern I have is that we have so many non-profits in our City. Some contribute in lieu of taxes and some don't. Is there any way that you could contribute just a slight stipend in a gentlemen's agreement that would show the good nature...I mean the City is trying to help you and Alderman Roy obviously explained the value of your particular agency in the City but I think it would be helpful if there could be some arrangement whereby a small token of appreciation could be given back in lieu of taxes sort of. That would be something that possibly you could try to decide in this regard.

Alderman Osborne stated you say there is a 22-year lease. How much of that lease is left?

Mr. Boynton responded there are about 18 years left.

Alderman Osborne stated what I just can't clear my mind with is if you have 18 years left and you say for renovating it that you would like to say you own the building rather than

lease the building why not just renovate it and not say you own or lease it. I can't clear my mind of this one. What is the difference of owning it and leasing it if you are just going to renovate it if you have 18 years left anyway?

Mr. Boynton responded I think in some respects there is not a great deal of difference. It is a question of perception and we have been advised by Carolyn Bentheen who is doing our feasibility study that the perception is less favorable if we say we lease the building and she is quite certain that we will be asked whether we lease or own the building. That will be one of the fundamental questions people would ask as we go out to do a feasibility study.

Alderman Osborne stated I don't know why that would enter into the whole picture at all.

Mayor Baines responded the only thing is he is dealing with Carolyn who really is an expert in helping organizations raise money. She has been helping us with the senior center and I think she has indicated to you that if you are going to go out and ask somebody for \$1 million they are going to say you own the building and that is it. She has advised that that could make a significant difference in the ask I guess.

Alderman Osborne stated rightfully they don't own the building and I don't think anybody would know this that you are talking to. You actually don't own it if it has to revert back to the City if you decide to leave or whatever. It is still not clear to me but that is okay. I know the Moore Center does a great job. I am not against it. That just bogs my mind a little bit as to what is going on here. Whether you lease it or own it you are going to be there 18 years and if you renovate it and you decide you want to purchase it the renovation is there anyway. It just doesn't make sense to me.

Alderman Thibault stated I would just like to reiterate a little bit about what Alderman Porter must said. I certainly agree with Alderman Porter's assessment of the situation here and to the reverter rights that this should come under the City of Manchester as we go along. I certainly agree with Alderman Roy that what the Moore Center does for this City is probably immeasurable and certainly something that we could never afford on our own. I understand that. I think we are looking at the background of this and to what extent the City can extend itself. I believe that the City has done great in this area. How much more can we go? I think that is what I am looking at. I agree. I would have to agree 1,000% in what you guys are trying to do and I certainly have no problem with supporting what you are trying to say but I would have to agree with Alderman Porter that we should make sure that we have the reverter rights there that it comes back to this City if for whatever reason you people want to dispose of this building. I think the City has done too much of that in the past and we have to put some kind of a brake on that.

Alderman O'Neil stated I just wanted to make a statement regarding payment in lieu of taxes. I think sometimes we request non-profits to make payments in lieu of taxes and they don't

really get any services for...they have private garbage pick-up and there is no demand on Police or Fire and they don't send kids to school and there are other non-profits that we don't get any payment from that demand a lot of City services. My guess and this is only a guess is that the Moore Center probably does not demand much from City services. I doubt the Police Department is required to be there very often – an occasional fire alarm maybe and I don't know about garbage pick up but I am not sure that should be an issue. I guess I just wanted to make that statement. When we talk about payment in lieu of taxes we need to take a look at what demand on services the non-profit is putting on City services.

Alderman Lopez stated I think we all understand. Can we move the motion please?

Mayor Baines replied the only thing I would say because this motion does not take into account any language...can you suggest some language for this so we can get the legal work done that is necessary so the Board can pass this one more time.

Solicitor Clark responded it should be subject to their use of the property for the purposes that are presently incorporated and if they wish to change the use of the property itself and dispose of it then it would revert to the City.

Mayor Baines asked and that would be in the language with the understanding of the Board.

Alderman Porter stated I think rather than wing it I would like to refer this back to Lands and Buildings so we can discuss it and Paul if you would like...it is up to the Chairman but perhaps Paul could come and speak again. Then when we bring it to the Board everybody will have an idea of what is happening from the legal reverter and all points of view.

Alderman Osborne duly seconded the motion.

Mayor Baines stated we already have a motion on the floor. You can do what you want with the vote but I think the City Solicitor is more than capable of handling the will of the Board and dealing with that. The only motion I can take for you to deal with this now if you wish would be to table unless the original motion is withdrawn.

Solicitor Clark stated presently there is a motion on the floor. You can either vote that up or down, have it withdrawn or tabled.

Alderman Lopez stated the motion is for the Solicitor to write up what we just talked about so what is Lands and Buildings going to do.

Mayor Baines responded let me do this so nobody will leave mad. I will take a motion to table and if you vote it down the motion will come back up.

Alderman Porter moved to table. Alderman Osborne duly seconded the motion. The motion failed.

Mayor Baines stated the main motion is now back on the floor. I am going to call for a vote.

Alderman O'Neil asked can we get clarification of the motion please.

Solicitor Clark stated the motion is to accept the Committee report to sell the property for \$1 and to include a reverter clause within the deed and authorize the Mayor to execute.

Alderman O'Neil asked regarding that you mentioned something about proper usage and if the usage changes...that is all included in there.

Solicitor Clark answered it will be incorporated into the reverter clause.

Alderman DeVries stated the one part within the reverter clause – Alderman Porter had indicated tying of value – today's value range so I think if we could add the \$1.2 million so that if it is sold for a different use...

Solicitor Clark interjected Alderman Porter talked about the Amoskeag Industries reverters. In actuality the reverters that are in the deeds to the City from Amoskeag Industries are a planned reverter in the event the City no longer uses it for the purpose it was transferred. What Amoskeag Industries does is what the City would normally do. In the event that they do wish to sell that property in the future, they would come to this Board and ask that the reverter be allowed to be bought out and it is negotiated at that point.

Mayor Baines replied and that will be in 2022.

Alderman Porter asked, Tom, is this also included in the Amoskeag part of the parcel that they have a reverter right to.

Solicitor Clark asked is this particular property.

Alderman Porter answered yes.

Solicitor Clark stated it is my understanding that it is not.

Alderman O'Neil asked if the Moore Center decides to change the use they need to come back and get approval from the Board of Mayor and Aldermen for that, correct.

Solicitor Clark answered if they wish to retain the property and not have it revert to the City they would have to come and get the Board's permission – yes.

Alderman O'Neil asked for a change in use or to sell it.

Solicitor Clark answered yes.

Alderman Gatsas stated for clarification because I wanted to make sure because maybe I missed this meeting to but my understanding at the Lands and Buildings meeting was that there was no recommendation to sell it for \$1. It was referred to this full Board.

Mayor Baines responded to decide the price right.

Alderman Gatsas stated I believe the motion that was read was that the Committee recommended sale for \$1.

Solicitor Clark responded I believe that was Alderman Garrity's motion.

Mayor Baines called for a vote on the motion to set the price at \$1, accept the report, add a reverter clause and authorize the Mayor to execute any and all documents required to consummate the conveyance of the property subject to the review and approval of the City Solicitor. The motion carried with Alderman Forest abstaining.

Communication from the Deputy City Clerk requesting the Board direct the Chief of Police or his designee to issue civil forfeitures to each owner of an unlicensed dog via a warrant issued pursuant to RSA 466:14.

Alderman DeVries moved to approve the warrant under the Hand and Seal of the Board of Mayor and Aldermen pursuant to RSA 446:14; and authorize the City Clerk to remove from the warrant listing any dog determined unlicensable at a later date. Alderman Osborne duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Deputy City Clerk submitting a proposed change to so-called Alarm Ordinance:

“Amending Chapter 93:Alarms of the Code of Ordinances of the City of Manchester by amending 93.03, Permit Required; Application; Fee, increasing the initial registration and annual renewal fees for intrusion alarms operating in the City of Manchester.”

On motion of Alderman Thibault, duly seconded by Alderman Shea it was voted to suspend the rules and place this Ordinance on its final reading by title only without referral to the Committees on Bills on Second Reading or Accounts, Enrollment and Revenue Administration.

On motion of Alderman DeVries, duly seconded by Alderman Thibault it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its final presentation, on motion of Alderman Forest, duly seconded by Alderman Sysyn it was Ordained

Appropriating Resolution:

“Amending a Resolution ‘Approving the Community Improvement Program for 2005, Raising and Appropriating Monies Therefore, and Authorizing Implementation of Said program.”

(Note: attached in further amended form with expedited projects removed)

- a) A motion is in order to amend the resolution by deleting projects previously expedited as follows:

By reducing Table 4, Bonds, #710205 Highway Department, Public Works Infrastructure by \$720,000 for projects:

Street reconstruction -\$145,000

Brown Avenue -\$175,000

Discretionary sidewalks -\$350,000

50/50 Sidewalk -\$50,000

for a new bond total of \$14,880,000; and

By reducing Table 1, Federal, State and Other, #710205 Public Works Infrastructure by \$50,000 for 50/50 Sidewalk (Other funds); and

By replacing related language on page 2, paragraph 3, of the resolution to reflect \$16,255,812 in federal, state and private grant funds; and language on page 3, paragraph 1 to reflect \$14,880,000 in short term notes and bonds.

On motion of Alderman Garrity, duly seconded by Alderman DeVries it was voted to read the Appropriating Resolution by title only, and it was so done.

Deputy Clerk Johnson stated we would look for a motion to amend the Resolution by deleting projects outlined, which were previously expedited.

On motion of Alderman O'Neil, duly seconded by Alderman DeVries it was voted to amend the Resolution by deleting previously expedited projects and replacing language as outlined in item a) above.

Alderman Shea stated I notice there were people here this evening who objected to the \$8,000 but that is 211105 and that is grant money. That is nothing that we have control over as far as the CIP budget. That is not cash. That is grant money. It is really not in our budget per say although personally I am not in favor of that. That is in Table 2 of the CIP budget. That is grant money. I think Mr. MacKenzie may be able to explain that or the people that were here this evening.

Mr. Robert MacKenzie, Planning Director, stated the funding of \$8,000 proposed for the Teen Health Clinic does come out of the Housing and Community Development Department. They are specialized funds that are allocated to the City to be used for various

public purposes and a portion of that can be used for non-profit agencies such as this health program.

Deputy Clerk Johnson asked could we get a vote on the amendment.

Mayor Baines called for a vote on the motion to amend the Resolution. The motion carried with Alderman Gatsas being duly recorded in opposition.

On motion of Alderman Forest, duly seconded by Alderman O'Neil it was voted that the Appropriating Resolution pass and be Enrolled as amended.

Appropriating Resolution:

“A Resolution appropriating to the Manchester Airport Authority the sum of \$44,898,329 from Special Airport Revenue Funds for Fiscal Year 2005.”

On motion of Alderman Thibault, duly seconded by Alderman Sysyn it was voted to read the Appropriating Resolution by title only and it was so done.

Deputy Clerk Johnson stated it is my understanding that there is a request to amend this resolution in the amount of \$6.5 million to be added to principle and interest payments. It could bring that total to \$25 million on the Resolution for a total Resolution of \$51,398,329. We would look for a motion to amend.

Alderman Thibault moved to amend the Resolution. Alderman Lopez duly seconded the motion.

Alderman O'Neil asked where is that.

Deputy Clerk Johnson answered Item 14 on your agenda. It is a resolution and if you go down to the principle and interest payments.

Mayor Baines stated I can have Kevin Dillon explain that.

Alderman O'Neil stated I am not opposed to it. I just didn't see it.

Deputy Clerk Johnson stated there is no handout on it. I believe Kevin is here to address it.

Mr. Kevin Dillon, Airport Director, stated last week you approved the basic budget amount. The Airport though has received a grant of \$6.5 million that actually flows in as revenue but it is going to flow out and we are going to pay down some of our variable debt.

Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman O'Neil, duly seconded by Alderman Roy it was voted that the Appropriating Resolution pass and be Enrolled as amended.

Appropriating Resolution:

“A Resolution appropriating the sum of \$2,890,903 from Recreation User Charges to the Recreation Division for Fiscal Year 2005.”

On motion of Alderman DeVries, duly seconded by Alderman Osborne it was voted to read the Appropriating Resolution by title only and it was so done.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted that the Appropriating Resolution pass and be Enrolled.

Appropriating Resolution:

“A Resolution appropriating the sum of \$14,584,987 from Sewer User Rental Charges to the Environmental Protection Division for Fiscal Year 2005.”

On motion of Alderman Porter, duly seconded by Alderman DeVries it was voted to read the Appropriating Resolution by title only, and it was so done.

On motion of Alderman O'Neil, duly seconded Alderman DeVries it was voted that the Appropriating Resolution pass and be Enrolled.

Appropriating Resolution:

“A Resolution appropriating to the Manchester Transit Authority the sum of \$1,061,785 for the Fiscal Year 2005.”

On motion of Alderman DeVries, duly seconded by Alderman Sysyn it was voted to read the Appropriating Resolution by title only, and it was so done.

Alderman Lopez stated I believe there is an amendment there for \$50,000. Can we verify that amendment?

Deputy Clerk Johnson responded my understanding is there has been a request to reduce it by \$50,000, which would bring it to \$1,011,785.

Alderman Lopez replied that is correct.

Mayor Baines stated that was a request from the Transit Authority in respect to the situation we are facing here in the City.

Alderman Lopez moved to amend the Resolution to \$1,011,785. Alderman Shea duly seconded the motion.

Alderman Gatsas stated I guess my understanding was when I asked about CIP if we were going to make any changes to the CIP budget we should have done it on Item 13 is that correct.

Deputy Clerk Johnson responded yes. Do you want to be recorded in opposition?

Alderman Gatsas stated I would like to be opposed to that seeing it moved so quickly. On Item 17 I would think that...I am looking through the CIP budget and I am noticing that there are probably three line items that constitute somewhere around \$30,000 or \$40,000 in additional funds – one for radios and a couple of others. I guess my question is why wouldn't we reduce it by more than just \$50,000 or has that already been predetermined by people with the amendment because I was not aware of the amendment.

Alderman Lopez stated I think in conversation with the Director and some of the department heads, along with the Chairman of the Board and because of the situation the state has put us in they volunteered to...and I think Mr. Smith is here. I would like to let him speak for himself.

Alderman Gatsas replied I would like to hear from the person who made the amendment.

Alderman Lopez responded I made the amendment based on the Director telling us that he could reduce the budget line item by \$50,000 and that is what we did.

Mayor Baines stated first of all, all that happens is there was a communication from Mr. Smith on behalf of the Transit Authority that they were willing to do this to try to assist us with the situation and the only thing that has come tonight is a recognition of that through an amendment. It is no more complicated than that.

Mr. David Smith, MTA Director, stated I was contacted two weeks go by a number of Aldermen regarding our budget coming to try to better understand the situation with our transit service as part of our request. As well, I had a subsequent conversation with Alderman Lopez regarding the overall budget. In looking at our fiscal year this year, we increased fares in September and also installed new fare boxes in January. The culmination of those two actions has increased our fare revenue significantly. As well, we anticipate coming in slightly under budget this year. Last year the Mayor's proposed budget and the budget that was adopted provided a local share of \$850,000 to support the Transit Authority. Our local share requirement, based on the budget last year was \$966,000 and rather than reduce the scope of service the members of the Transit Authority Board elected to fund the balance of \$116,000 with Authority funds. Because of the budget situation and our favorable

revenue situation this year, not all of that \$116,000 was spent and in discussing the issue with the members of the Board and based on a projection of year end funds, \$50,000 of that \$116,000 will be remaining at the end of the year and those are funds that have already been dedicated for transit services. So those can roll over into next year.

Alderman Gatsas stated I come back to obviously we weren't submitted any amendment so I didn't see it in my agenda and I don't know if any of the other Board members saw it so I would think that we would try to make this a process that people see amendments before they come forward. I guess my question, Mr. Smith, is Authority funds, when you say Authority funds that you have placed \$116,000...how much do you have of Authority funds that are unearmarked for anything?

Mr. Smith responded there is approximately just short of \$1 million cash, which is used for cash flow. Just like the City in collecting its taxes and funding six months of service we have cash flow needs related to our Federal grant.

Alderman Gatsas stated if I understand you correctly you have \$1 million of slush funds...before somebody says no let me finish the question. You have \$1 million in an account that has been there for how many years going back? In other words, it didn't just happen. It isn't a cash flow situation. Those are funds that you have accumulated over time that are really the Authority's money. If you closed your books today and closed the doors you would end up with \$1 million in hand.

Mr. Smith responded no. Part of that is obligated.

Alderman Gatsas asked how much of that is obligated.

Mr. Smith answered short-term liabilities are about \$375,000. Most of that is in employee vacation and sick accrual, which of course is not going to be used in the short-term.

Alderman Gatsas asked and the additional \$625,000 is unencumbered.

Mr. Smith answered primarily, yes.

Alderman Gatsas asked if we reduced your budget by another \$250,000 you would have enough in that \$625,000 to carry forward.

Mr. Smith replied the Federal fiscal year begins in October so when we apply for a grant for the fiscal year beginning in July the first it could be funded would be the end of October realistically. We need to fund that period of time. We need the cash to carry us for that period of time.

Alderman Gatsas asked the \$800,000 that I am proposing to give you wouldn't carry you until October.

Mr. Smith answered I don't understand the question.

Alderman Gatsas stated well you are getting an appropriation from the City of \$800,000. Your Federal funds come at the end of October for the balance of the \$800,000.

Mr. Smith responded yes and the City's contribution comes on a monthly basis.

Alderman Gatsas stated well there is nothing that says that we couldn't pay those appropriations in a faster time manner is there Finance.

Mr. Kevin Clougherty, Finance Director, responded no there isn't.

Alderman Gatsas asked so if we appropriated the \$800,000 on July 1 you would have that \$800,000 until the appropriation and you wouldn't have a cash flow problem and we could reduce this by some \$200,000. I guess that is my amendment.

Mr. Smith stated I don't know how to answer that. We preserve funds for cash flow both for transit and school. We have to carry the Authority through October for Federal funds. We also have an accrual or rather a need of about \$150,000/month of cash flow for schools. So there is \$150,000 for that. Off hand I don't know how to answer that.

Mr. John Trisciani stated I think we cut what we could. These guys have done a heck of a job putting this thing together to the point of no return. It is not just the Transit. As he said it is the school department also. Most of that money is in the accrued sick leave and workman's compensation, etc.

Alderman Gatsas stated I think it was just explained that there is about \$1 million that you have in Authority funds of which \$375,000 is accrued sick leave and vacation time. We all understand that. That leaves you \$625,000 that Mr. Smith identified for a cash flow basis. I asked Mr. Clougherty if the City could disburse the full \$800,000 to you beginning July 1 to get you through the cash flow crunch until your Federal funds come in October. His answer to me was yes so that means the \$625,000 that you have encumbered, if we reduce the budget by \$200,000 you have accumulated and I don't know when you have accumulated them but if you are telling me there is \$1 million there and only \$375,000 is encumbered then \$625,000 is unencumbered. So the time that we are looking at in this budget process I am seeing that we can take \$200,000 out of those funds and reduce your budget because you obviously have the funds to allocate and do your services.

Mr. Smith responded if the City is willing to consider some kind of banking arrangement where we can be protected in our cash flow we would be happy to talk about that but that hadn't been a subject that has been discussed.

Mayor Baines asked are you prepared to say that that scenario that was just outlined would not work or would work or you would like a chance to review it.

Mr. Smith answered I don't know. I am not enough of an accountant to answer that question.

Mayor Baines stated the option that I see available this evening after talking to the Finance Officer is this doesn't have to have its final vote tonight. This could have its final vote at the next meeting. It might be appropriated based upon this discussion to withdraw this motion and refer this to the next meeting of the Board of Mayor and Aldermen. Actually could we refer this to Finance tomorrow night?

Deputy Clerk Johnson responded you could either refer it to tomorrow night's meeting or you could table it and take it up at tomorrow night's meeting.

Alderman Lopez stated I don't mind referring it to tomorrow night to get a final answer from the MTA. They have been here before and explained why they need the money and now I am hearing a different version here. If I am getting a different version then we better get the accountant over here to make sure that Alderman Gatsas is correct in what his assumption is because that is not what we were talking about before. I appreciate the \$50,000 but if I can get \$250,000, I will take it.

Mayor Baines stated well we all would.

Mr. Clougherty stated the Resolution is currently laying over on the table. It does not have to be voted on until we do the final approval on June 8. You have time if you want to sit down. You don't have to make a rash judgement on this tonight if there are a lot of questions. It seems like it might make some sense to either allow us...again if we can meet tomorrow and we have the time to meet tomorrow – I don't know what their schedule is like but we could bring it in tomorrow night and if not it could come in on June 8.

Alderman Lopez asked Mr. Smith in reference to our conversation and the \$850,000 you received last year and you used cash flow in order to come up with the extra money that you needed this year and you indicated that you didn't want to use cash flow once again to put you in that particular situation you had last year. Could you elaborate a little bit on that?

Mr. Smith stated in fact last year was not the only year the Authority has done that. The Authority has done it for the last three years. In 2001 the Authority's contribution was about

\$50,000. In 2002 it was about \$130,000 and this year it was planned to be \$116,000 so we have been drawing down that cash. It is getting to the point, however, where there would be cash flow difficulties if we drew down that fund any further.

Mayor Baines stated I would suggest we table this tonight. We will put it on for discussion during Finance and then deal with it at the Special Board meeting.

Deputy Clerk Johnson stated it is at the Board level so it will either be at the Special Board meeting tomorrow evening or the following week depending on when the report is available.

Alderman Lopez stated I would like to square it away tomorrow night.

Mayor Baines responded that is fine.

Alderman Thibault moved to table the MTA Appropriating Resolution. Alderman DeVries duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Shea being duly recorded in opposition.

Alderman Shea stated I feel if they were generous enough to give the City \$50,000 we should take that and not...basically they can go back and say we don't have \$50,000. Who is to say that they are going to come back and give us \$250,000?

Mayor Baines responded we are going to sit down with Finance.

Alderman Shea stated a bird in the hand is worth two in the bush in my opinion.

Mayor Baines replied we can deal with that and if this cash flow issue can be worked out to the benefit of the taxpayers then I would support that.

Alderman Gatsas stated again this all came about by a statement that Mr. Smith made. He talked about Authority funds. I never knew the Authority had funds until he said they contributed \$116,000.

Mayor Baines responded okay it has been tabled and we will deal with it tomorrow night.

Appropriating Resolutions:

“Appropriating all Incremental Meals and Rooms Tax Revenue Received by the City in Fiscal Year 2005 and held in the Civic Center Fund, for the payment of the City's Obligations in Said Fiscal Year Under the Financing Agreement.”

“A Resolution appropriating to the Central Business Service District the sum of \$225,000 from Central Business Service District Funds for Fiscal Year 2005.”

On motion of Alderman Smith, duly seconded by Alderman Thibault it was voted to read the Appropriating Resolutions by title only, and it was so done.

Alderman DeVries moved that the Appropriating Resolutions pass and be Enrolled.
Alderman Sysyn duly seconded the motion.

Alderman Gatsas asked on the Resolution for the Central Business District, that \$225,000 is that set based on a set amount or is that based on a tax rate.

Deputy Clerk Johnson answered it is set on the amount of the appropriation that was requested, which would be taxed from the Central Business Service District coming up in Item 20.

Alderman Gatsas asked what is that tax rate.

Mayor Baines called for a five-minute recess.

Mayor Baines called the meeting back to order.

Deputy Clerk Johnson responded the tax rate \$.64 at the \$225,000 appropriation.

Alderman Gatsas asked Kevin is she giving us a tax rate today based on something that you are going to set in November.

Mr. Clougherty answered I think the question was what was the rate last year.

Alderman Gatsas asked that was the rate last year.

Mr. Clougherty asked is that what you are giving Carol.

Deputy Clerk Johnson answered I am giving him the amount of the Resolution that is before them tonight in Item 20, which is \$.64 per \$1,000. That has to be set when the District is set and that was the amount given to us.

Alderman Gatsas asked is the Assessor here.

Mr. Clougherty stated the rate that is being quoted is in the Resolution as capped. It is up to \$225,000 and if that money is not raised as part of the tax rate when it is finally set in November then it will be adjusted.

Alderman Gatsas asked the tax rate for the Central Business Service District for FY05, what will that tax rate be.

Mr. Steve Tellier, Chairman of the Board of Assessors stated I haven't computed it but I would assume that it is very close to \$.64 or \$.65. I don't have that right in front of me. Their budget did not go up. The only thing that would change that tax rate would be if there were any reductions in the tax base within the District itself and I don't have evidence of any substantial changes so the status quo is pretty much the same.

Deputy Clerk Johnson stated I would just note that the tax rate itself is set by the Resolution that is in Item 20, which sets the District and that does not need to be acted upon this evening. If the Board so desires they can wait. It is in there because we try to make sure that it gets tracked together with the Appropriating Resolution so that when the Assessors go to set it up and bill for it, it is all there. I presume that Mr. Tellier can come back at a later date if he wants to change it. The \$.64 is what it would be set at and could not be changed from, although you may raise more than what is appropriated.

Alderman Porter asked has the distance changed or is it still the same.

Mr. Tellier answered my understanding is that the District itself is static. That has remained the same.

Mayor Baines asked where are we.

Deputy Clerk Johnson answered I have a motion on the floor, Alderman DeVries by Alderman Sysyn that it pass and be Enrolled.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Resolution:

“Amending the FY2003 and 2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Nine Thousand Two Hundred One Dollars and Sixty Three Cents (\$9,201.63) for the 2003 CIP 710803 Chronic Drain Program.”

On motion of Alderman Garrity, duly seconded by Alderman Smith it was voted to read the Resolution by title only, and it was so done.

On motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted that the Resolution pass and be Enrolled.

Resolutions:

“Continuation of the Central Business Service District.”

“A Resolution establishing increased property tax relief asset and income limitations for the elderly.”

“A Resolution authorizing increased optional property tax credits for Veterans providing for escalating credits over a three year period.”

“A Resolution authorizing increased property tax credits for Veterans with service-connected total disability, and their surviving spouse.”

On motion of Alderman Shea, duly seconded by Alderman Sysyn it was voted that the Resolutions be read by title only, and it was so done.

Alderman Lopez moved that the Resolutions ought to pass and be adopted. Alderman Garrity duly seconded the motion.

Alderman Gatsas stated the question I guess I have is how do we encumber future Boards authorizing an optional property tax credit over a three-year period.

Solicitor Clark responded this Board has the authority to adopt something going into the future and future Boards have the authority to change that if they wish.

Alderman Gatsas asked on the Continuation of the Central Business District I would like to remove that and table it until we get a rate of what that tax rate would be for that \$225,000.

Mayor Baines asked what would we do since they were all together and a motion has been made and seconded.

Solicitor Clark answered it would be appropriate to allow a motion to table the Continuation of the Central Business District.

Alderman Gatsas moved to table the resolution for the Continuation of the Central Business District. Alderman Porter duly seconded the motion. Mayor Baines requested a roll call. Aldermen Roy, Sysyn, O'Neil, Lopez, Shea, Garrity, Smith, Thibault, and Forest voted nay. Aldermen Gatsas, Osborne, Porter, and DeVries voted yea. The motion failed.

Mayor Baines called for a vote on the motion that the Resolutions ought to pass and be adopted. The motion carried with Alderman Gatsas being duly recorded in opposition.

Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Thibault, duly seconded by Alderman O'Neil it was voted to read the Ordinances by title only, and it was so done.

These Ordinances having had their second reading by titles only, on motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted that they be Enrolled.

On motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to recess the meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

were properly enrolled.

On motion of Alderman Smith, duly seconded by Alderman Shea it was voted to accept the report of the Committee on Accounts, Enrollment and Revenue Administration.

Bond Resolution:

“Authorizing Bonds, Notes or Lease Purchases in the amount of Seven Hundred Twenty Thousand Dollars (\$720,000) for the 2004 CIP 713204 Public Works ROW Improvement Project.”

On motion of Alderman Thibault, duly seconded by Alderman Osborne it was voted to read the Bond Resolution by title only, and it was so done.

On motion of Alderman O'Neil, duly seconded by Alderman Lopez it was voted that the Bond Resolution pass and be Enrolled.

Ordinances:

“Amending Sections 33.024, 33.025 & 33.026 (Youth Services Counselors I & II to Youth Services Counselor) of the Code of Ordinances of the City of Manchester.”

“Amending Section 70.57(A) Parking Rates of the Code of Ordinances of the City of Manchester by deleting references to the Canal Street Garage.”

“Amending Sections 32.19 (Building Maintenance to Facilities Division) of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Thibault, duly seconded by Alderman Garrity it was voted to dispense with the readings by title only.

These Ordinances having had their third and final readings by title only, on motion of Alderman Thibault, duly seconded by Alderman DeVries it was voted to Ordain.

NEW BUSINESS

Alderman Gatsas stated I was given a letter this evening from Alderman Lopez regarding Singer Park and the new stadium project. I don't know if the rest of my colleagues have received this letter but I think it is a public document and it should be a public document. I don't think that just Committee members should be entitled to it. I think everybody should get a copy of this letter. It talks about the infamous development agreement.

Mayor Baines stated the Clerk will see to it that all members of the Board receive a copy of that documentation.

Alderman Gatsas stated there is no question that we as a City look at different projects during the budget cycle and there is no question that we are in a very strained situation financially. When we pass a CIP budget without making changes and leaving projects in like Hands Across the Merrimack for \$1 million when this City is in dire need of motorized equipment and other things that the taxpayers are going to have to burden I don't think that is a need. That is a want. I think it is a travesty that we passed a \$14 million budget in CIP tonight and didn't take anything out of there to reduce the spending of the City.

Mayor Baines responded you didn't make any motions to reduce anything from that budget.

Alderman Gatsas replied I agree 1,000%. There were no motions to reduce anything.

Mayor Baines responded okay as long as you acknowledge that you didn't make any motions.

Alderman Gatsas stated well I had asked you and we had gone by it. I was looking for an amendment and I didn't get the opportunity, your Honor.

Alderman Thibault stated I have a great problem in my area that I would certainly like to have the support of this Board on if I could to do something about. At Parkside Junior High there are two dumpsters in the area and what is happening is 90% of the neighborhood is filling those dumpsters rather than the school and we end up with two or three parts of what should be in the dumpster on the ground. It is attracting vermin and skunks and all kinds of vermin in that area. I have had many, many calls and I have gone to look at it. Just this week I believe Waste Management has taken over that part of it I guess and no longer will the City put dumpsters over there but Waste Management will. What I am looking at is why is it that we can't have some kind of a platform there and maybe a gated area that is closed so that the normal people in the area can't use those dumpsters. What is happening now is better than half of those dumpsters are being filled by the people in the neighborhood and not by the school and that is the problem. I would certainly like somebody to look at that and address that because it is really a major problem and I am sure that and I hate to name names but Ron you are from that area and you know what I am talking about. There are an awful lot of vermin that come out of the Douglas Street area over there that are causing some major problems.

Mayor Baines stated what I would suggest is that we refer that matter to the School District to be addressed.

On motion of Alderman Thibault, duly seconded by Alderman Roy it was voted to refer the matter of dumpsters at Parkside Junior High to the School District.

Mayor Baines stated just to comment that is a concern. We had the same problem at West High School and they talked about doing some security issues related to that because some things put in there could be hazardous waste. Let's see if we can address that issue.

Alderman Lopez stated I have two things. Could we do something about the MCTV tapes from the state as to whether they can be played or get some written communication as to the right procedures because we have been getting so many calls on it and different versions.

Mayor Baines stated I am going to have Mr. Colby follow-up with the Superintendent of Schools tomorrow on that and see where the issues are because I am not clear what the issues are either.

Alderman Lopez stated I was wondering if we could address Brown School to get rid of it or something instead of just holding it.

Alderman Lopez moved to refer the issue of Brown School to the Committee on Lands and Buildings. Alderman Shea duly seconded the motion.

Alderman Thibault stated there is already something in the works here. Families in Transition has pulled out of the agreement that they had with Manchester Housing so now it is referred back to Manchester Housing and they tell me they are working on it and trying to come up with a solution to the problem and we should be hearing about it very shortly.

Alderman Lopez responded I appreciate that but it is crazy to have that school over there. Give it to a developer and let's get some money out of it.

Mayor Baines called for a vote on the motion.

Alderman Gatsas stated it is already there. I guess Alderman Lopez has a different opinion than the Committee.

Alderman Lopez responded I don't have a difference of opinion. I want something done with it instead of having it sit there for three years.

Alderman O'Neil stated can we not get into this.

Mayor Baines called for a vote on the motion to refer the item to the Committee on Lands and Buildings. There being none opposed, the motion carried.

Deputy Clerk Johnson stated we have new business that was distributed to the Board. It is relative to the impact fee ordinance. We are requesting that that be referred to a public hearing on June 21.

Alderman Garrity moved to refer the impact fee ordinance to a public hearing on June 1. Alderman Sysyn duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman Shea, duly seconded by Alderman Smith it was voted to recess the meeting for a negotiation strategy session.

Mayor Baines called the meeting back to order.

Mayor Baines announced that the Board has requested that discussions be continued with the City Negotiator at the special meeting next Tuesday and that is what we will do at that time.

There being no further business, on motion of Alderman Thibault, duly seconded by Alderman Forest it was voted to adjourn.

A True Record. Attest.

City Clerk